

120002420

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26**

BEFORE THE VIRGINIA GAS AND OIL BOARD

RELIEF SOUGHT: An Order for Disbursement of Escrowed Funds

JURISDICTION: Code of Virginia § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: BF-98

LOCATION: Buchanan County, Virginia

DOCKET NUMBER: VGOB 05-0215-1399-01

APPLICANTS: CNX Gas Company, LLC.

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
September 18, 2012

APPEARANCES: Mark Swartz on behalf of CNX Gas Company, LLC

NOTICE:

The Unit Operator gave notice to Delmar Meadows and to themselves that the Board would consider its disbursement petition at the September 18, 2012 hearing and consider whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account and Vacate the order because the unit is 100% leased.
- (2) Close the escrow account under this docket number.

FINDINGS: Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

- (1) Refund of escrow payments heretofore deposited with the Board's Escrow Agent
- (2) Vacate the Board's Order as all individuals have voluntarily leased.

RELIEF GRANTED:

Because this unit is now 100% leased and is a voluntary unit, CNX Gas Company, LLC is asking that the funds in escrow be released to them. A pooling order and escrowing is no longer required.

Refund 100% of the monies in escrow to CNX Gas Company, LLC,
Attention Anita Duty, 2481 John Nash Blvd., Bluefield, WV 24701

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed above.

2. The Escrow Agent is ordered to CLOSE the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and **IT IS SO ORDERED.**

APPEALS:

Appeals of this Order are governed by the provisions of the *Code of Virginia* § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

DONE AND EXECUTED this 26 day of Sept, 2012, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 26th day of September, 2012, by Order of the Board.

Rick Cooper
Rick Cooper
Principal Executive to the
Staff, Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 26th day of Sept, 2012, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared Rick Cooper, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane Davis
Diane Davis, Notary Public
174394

My commission expires: September 30, 2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 05-0215-1399-01

RELIEF SOUGHT:

(1) REFUND OF ESCROW BALANCE

HEARING DATE: September 18, 2012

DRILLING UNIT: BF-98

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. Petitioner and its counsel: Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, WV 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. Relief sought: (1) Refund of escrow payment heretofore deposited with the Board's Escrow Agent(s).

3. Legal Authority: Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. Type of well(s): Coalbed methane.

5. Factual basis for relief requested: Supplemental Order executed September 19, 2006 and recorded September 26, 2006, recorded under Document #060003158, requested the Board's Order of June 15, 2005 be vacated and also deleted the requirement for an escrow account.

6. Attestation: The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: 

Anita D. Duty
Pooling Supervisor
CNX Land Resources, Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

INSTRUMENT #120002420
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
OCTOBER 19, 2012 AT 03:39PM

BEVERLY S. TILLER, CLERK
RECORDED BY: MXB